

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
725 EATERY CORP., etc., *et ano.*, :

Plaintiffs, :

- against - :

Civil Action No.
02 CV 4431 (WHP)

THE CITY OF NEW YORK, et al., :

Defendants. :

-----X
59 MURRAY ENTERPRISES INC., etc., *et al.*, :

Plaintiffs, :

- against - :

Civil Action No.
02 CV 4432 (WHP)

THE CITY OF NEW YORK, et al., :

Defendants. :

-----X
CLUB AT 60TH STREET, INC., etc., *et al.*, :

Plaintiffs, :

- against - :

Civil Action No.
02 CV 8333 (WHP)

THE CITY OF NEW YORK, :

Defendant. :

-----X

336 LLC., etc., *et al.*, :

Plaintiffs, :

- against - :

Civil Action No.
18 CV 3732 (WHP)

THE CITY OF NEW YORK, :

Defendant. :

-----X

**NOTICE OF FILING OF PLAINTIFFS' JOINT APPENDIX VOLUME 3
IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

PLEASE TAKE NOTICE, that Plaintiffs hereby file the within Volume 3 of
Plaintiffs' Joint Appendix in the above-captioned actions.

Dated: New York, New York
November 21, 2018

Respectfully,

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02 CV 8333 (WHP)

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18 CV 3732 (WHP)

PLAINTIFFS' JOINT APPENDIX
(VOL. 3 of 17; pp. 00391-0046)

Per the Court's Order of November 7, 2018, Plaintiffs in each of the four above-entitled actions hereby submit their unitary Joint Appendix consisting exclusively of evidentiary documents upon which some or all of the Plaintiffs may choose to rely. The inclusion of documents in this Joint Appendix does not automatically signify an endorsement or promotion of any of these documents by any individual Plaintiff or group of Plaintiffs. That will depend on specific adoption of any of these documents by any Plaintiffs or Group of Plaintiffs in documents they may file with the Court.

The reference below to the "Club Plaintiffs" refers to all the Plaintiffs in Action Nos. 02 CV 4431, 02 CV 4432 and 02 CV 8333. The reference below to the "Bookstore Plaintiffs" refers to all the Plaintiffs in Action No. 18 CV 3732.

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Exhibit 4

Series of Maps for Brooklyn Comparing
City's 1995 Maps with Maps Showing All
Relevant Subsequent Rezoning

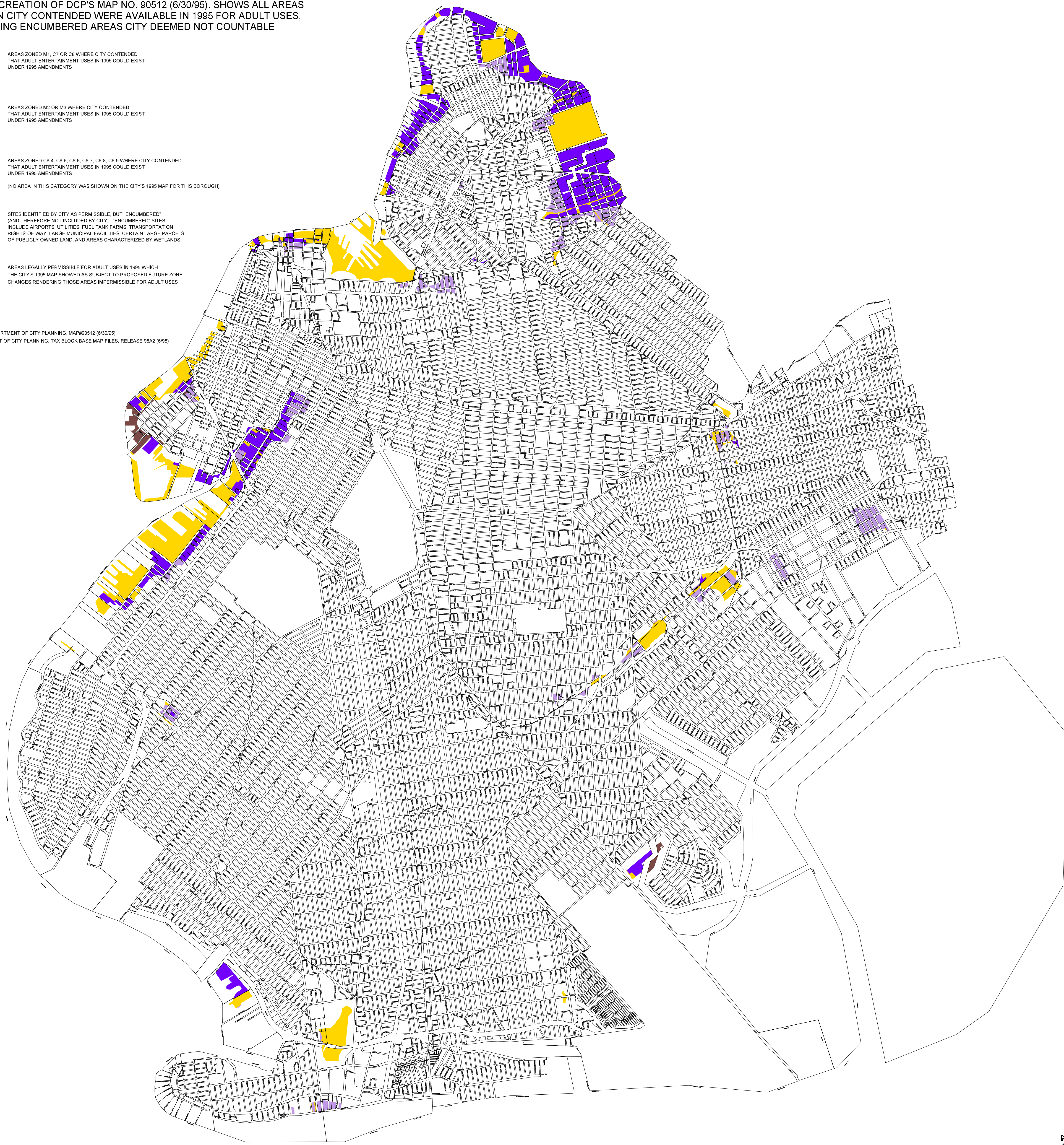
BROOKLYN

EXHIBIT 4 - A

DIGITIZED RECREATION OF DCP'S MAP NO. 90512 (6/30/95). SHOWS ALL AREAS IN BROOKLYN CITY CONTEDED WERE AVAILABLE IN 1995 FOR ADULT USES, INCLUDING ENCUMBERED AREAS CITY DEEMED NOT COUNTABLE

-  AREAS ZONED M1, C7 OR C8 WHERE CITY CONTEDED THAT ADULT ENTERTAINMENT USES IN 1995 COULD EXIST UNDER 1995 AMENDMENTS
-  AREAS ZONED M2 OR M3 WHERE CITY CONTEDED THAT ADULT ENTERTAINMENT USES IN 1995 COULD EXIST UNDER 1995 AMENDMENTS
-  AREAS ZONED C6-4, C6-5, C6-6, C6-7, C6-8, C6-9 WHERE CITY CONTEDED THAT ADULT ENTERTAINMENT USES IN 1995 COULD EXIST UNDER 1995 AMENDMENTS
(NO AREA IN THIS CATEGORY WAS SHOWN ON THE CITY'S 1995 MAP FOR THIS BOROUGH)
-  SITES IDENTIFIED BY CITY AS PERMISSIBLE, BUT "ENCUMBERED" (AND THEREFORE NOT INCLUDED BY CITY). "ENCUMBERED" SITES INCLUDE AIRPORTS, UTILITIES, FUEL TANK FARMS, TRANSPORTATION RIGHTS-OF-WAY, LARGE MUNICIPAL FACILITIES, CERTAIN LARGE PARCELS OF PUBLICLY OWNED LAND, AND AREAS CHARACTERIZED BY WETLANDS
-  AREAS LEGALLY PERMISSIBLE FOR ADULT USES IN 1995 WHICH THE CITY'S 1995 MAP SHOWED AS SUBJECT TO PROPOSED FUTURE ZONE CHANGES RENDERING THOSE AREAS IMPERMISSIBLE FOR ADULT USES

SOURCE OF DATA: DEPARTMENT OF CITY PLANNING, MAP90512 (6/30/95)
BASE MAP: DEPARTMENT OF CITY PLANNING, TAX BLOCK BASE MAP FILES, RELEASE 98A2 (6/98)



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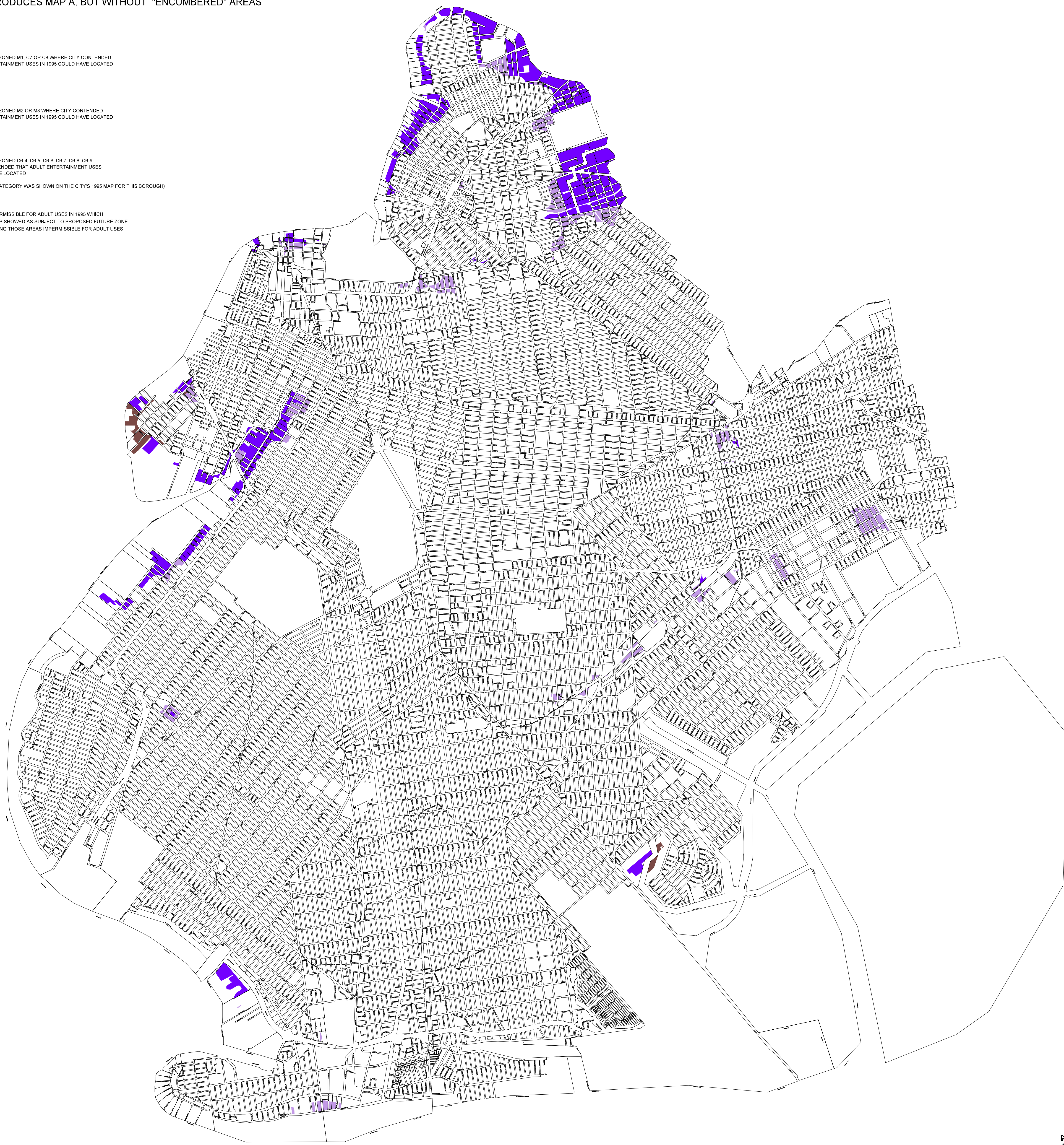


BROOKLYN

REPRODUCES MAP A, BUT WITHOUT "ENCUMBERED" AREAS

EXHIBIT 4 - B

- REMAINING AREAS ZONED M1, C7 OR C8 WHERE CITY CONTEDED THAT ADULT ENTERTAINMENT USES IN 1995 COULD HAVE LOCATED
- REMAINING AREAS ZONED M2 OR M3 WHERE CITY CONTEDED THAT ADULT ENTERTAINMENT USES IN 1995 COULD HAVE LOCATED
- REMAINING AREAS ZONED C6-4, C6-5, C6-6, C6-7, C6-8, C6-9 WHERE CITY CONTEDED THAT ADULT ENTERTAINMENT USES IN 1995 COULD HAVE LOCATED
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- AREAS LEGALLY PERMISSIBLE FOR ADULT USES IN 1995 WHICH THE CITY'S 1995 MAP SHOWED AS SUBJECT TO PROPOSED FUTURE ZONE CHANGES RENDERING THOSE AREAS IMPERMISSIBLE FOR ADULT USES



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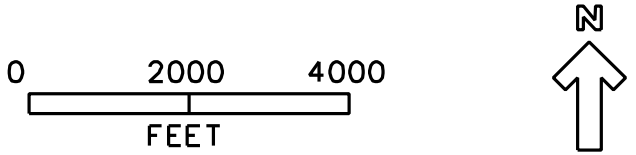
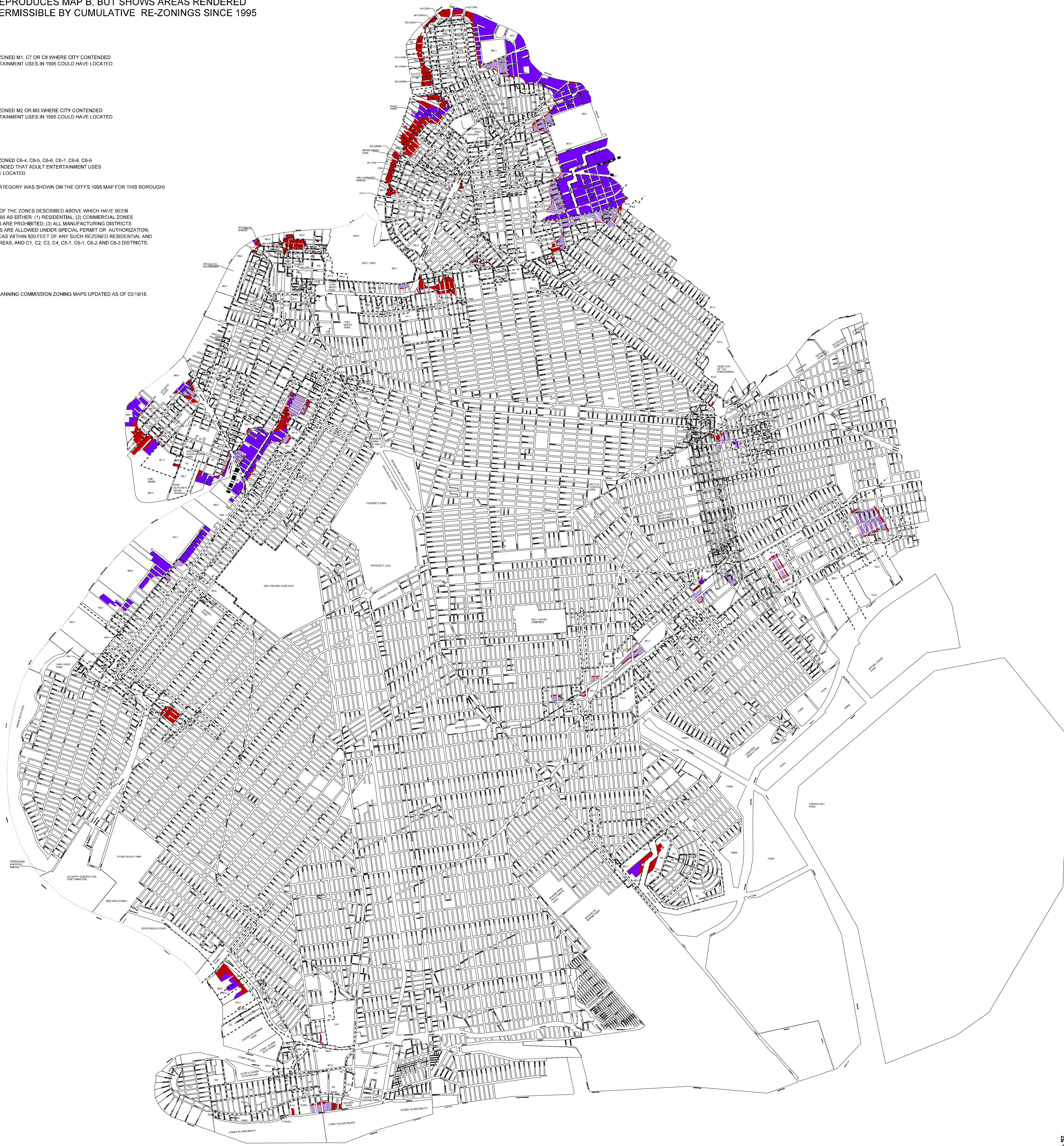
BROOKLYN

REPRODUCES MAP B, BUT SHOWS AREAS RENDERED
IMPERMISSIBLE BY CUMULATIVE RE-ZONINGS SINCE 1995

EXHIBIT 4 - C

- REMAINING AREAS ZONED M1, C7 OR C8 WHERE CITY CONTESTED THAT ADULT ENTERTAINMENT USES IN 1995 COULD HAVE LOCATED
- REMAINING AREAS ZONED M2 OR M3 WHERE CITY CONTESTED THAT ADULT ENTERTAINMENT USES IN 1995 COULD HAVE LOCATED
- REMAINING AREAS ZONED C6-4, C6-5, C6-6, C6-7, C6-8, C6-9 WHERE CITY CONTESTED THAT ADULT ENTERTAINMENT USES IN 1995 COULD HAVE LOCATED
(NO AREA IN THIS CATEGORY WAS SHOWN ON THE CITY'S 1995 MAP FOR THIS BOROUGH)
- AREAS WITHIN ANY OF THE ZONES DESCRIBED ABOVE WHICH HAVE BEEN RE-ZONED SINCE 1995 AS EITHER: (1) RESIDENTIAL; (2) COMMERCIAL ZONES WHERE ADULT USES ARE PROHIBITED; (3) ALL MANUFACTURING DISTRICTS WHERE RESIDENCES ARE ALLOWED UNDER SPECIAL PERMIT OR AUTHORIZATION; AS WELL AS ALL AREAS WITHIN 500 FEET OF ANY SUCH REZONED RESIDENTIAL AND MANUFACTURING AREAS, AND C1, C2, C3, C4, C5-1, C5-1, C6-2 AND C6-3 DISTRICTS.

ZONING INFORMATION: THE NEW YORK CITY PLANNING COMMISSION ZONING MAPS UPDATED AS OF 03/19/18.



BERZAK ASSOCIATES ARCHITECTS, P.C. SHALL NOT BE RESPONSIBLE FOR ANY DAMAGES
CONSEQUENTIAL OR ACTUAL, ARISING OUT OF OR IN CONNECTION WITH THE USE OF THIS MAP.
NOVEMBER 14, 2018

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Exhibit 5

Series of Maps for Staten Island Comparing
City's 1995 Maps with Maps Showing All
Relevant Subsequent Rezoning

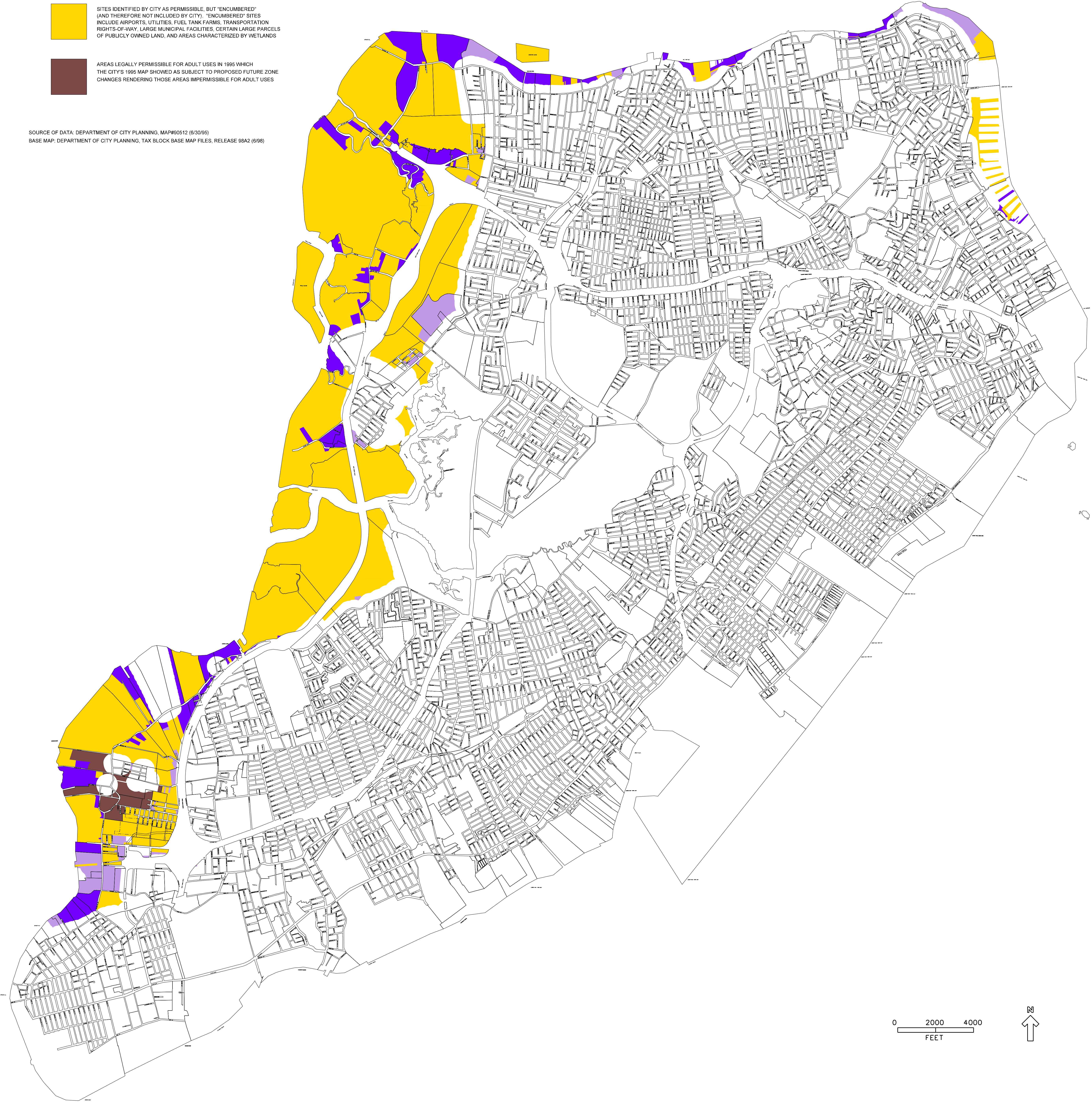
STATEN ISLAND

DIGITIZED RECREATION OF DCP'S MAP NO. 90512 (6/30/95). SHOWS ALL AREAS IN STATEN ISLAND CITY CONTEDED WERE AVAILABLE IN 1995 FOR ADULT USES, INCLUDING ENCUMBERED AREAS CITY DEEMED NOT COUNTABLE

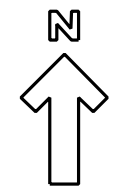
EXHIBIT 5 - A

- AREAS ZONED M1, C7 OR C8 WHERE CITY CONTEDED THAT ADULT ENTERTAINMENT USES IN 1995 COULD EXIST UNDER 1995 AMENDMENTS
- AREAS ZONED M2 OR M3 WHERE CITY CONTEDED THAT ADULT ENTERTAINMENT USES IN 1995 COULD EXIST UNDER 1995 AMENDMENTS
- AREAS ZONED C6-4, C6-5, C6-6, C6-7, C6-8, C6-9 WHERE CITY CONTEDED THAT ADULT ENTERTAINMENT USES IN 1995 COULD EXIST UNDER 1995 AMENDMENTS
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- AREAS LEGALLY PERMISSIBLE FOR ADULT USES IN 1995 WHICH THE CITY'S 1995 MAP SHOWED AS SUBJECT TO PROPOSED FUTURE ZONE CHANGES RENDERING THOSE AREAS IMPERMISSIBLE FOR ADULT USES

SOURCE OF DATA: DEPARTMENT OF CITY PLANNING, MAP#90512 (6/30/95)
BASE MAP: DEPARTMENT OF CITY PLANNING, TAX BLOCK BASE MAP FILES, RELEASE 98A2 (6/98)



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STATEN ISLAND

REPRODUCES MAP A, BUT WITHOUT "ENCUMBERED" AREAS

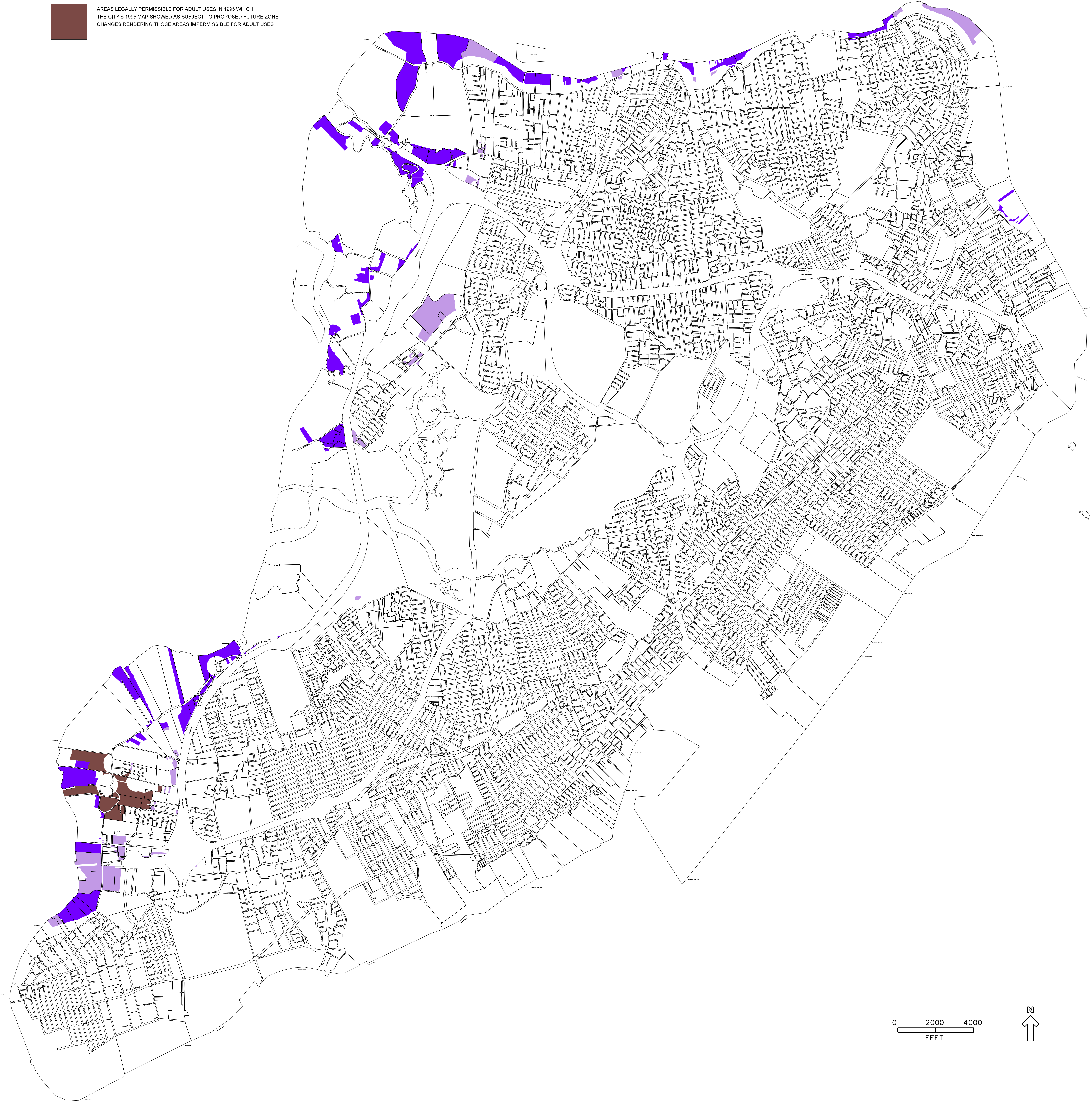
EXHIBIT 5 - B

REMAINING AREAS ZONED M1, C7 OR C8 WHERE CITY CONTESTED THAT ADULT ENTERTAINMENT USES IN 1995 COULD HAVE LOCATED

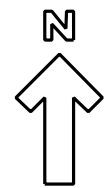
REMAINING AREAS ZONED M2 OR M3 WHERE CITY CONTESTED THAT ADULT ENTERTAINMENT USES IN 1995 COULD HAVE LOCATED

REMAINING AREAS ZONED C6-4, C6-5, C6-6, C6-7, C6-8, C6-9 WHERE CITY CONTESTED THAT ADULT ENTERTAINMENT USES IN 1995 COULD HAVE LOCATED
(NO AREA IN THIS CATEGORY WAS SHOWN ON THE CITY'S 1995 MAP FOR THIS BOROUGH)

AREAS LEGALLY PERMISSIBLE FOR ADULT USES IN 1995 WHICH THE CITY'S 1995 MAP SHOWED AS SUBJECT TO PROPOSED FUTURE ZONE CHANGES RENDERING THOSE AREAS IMPERMISSIBLE FOR ADULT USES



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STATEN ISLAND

REPRODUCES MAP B, BUT SHOWS AREAS RENDERED
IMPERMISSIBLE BY CUMULATIVE RE-ZONINGS SINCE 1995

EXHIBIT 5 - C

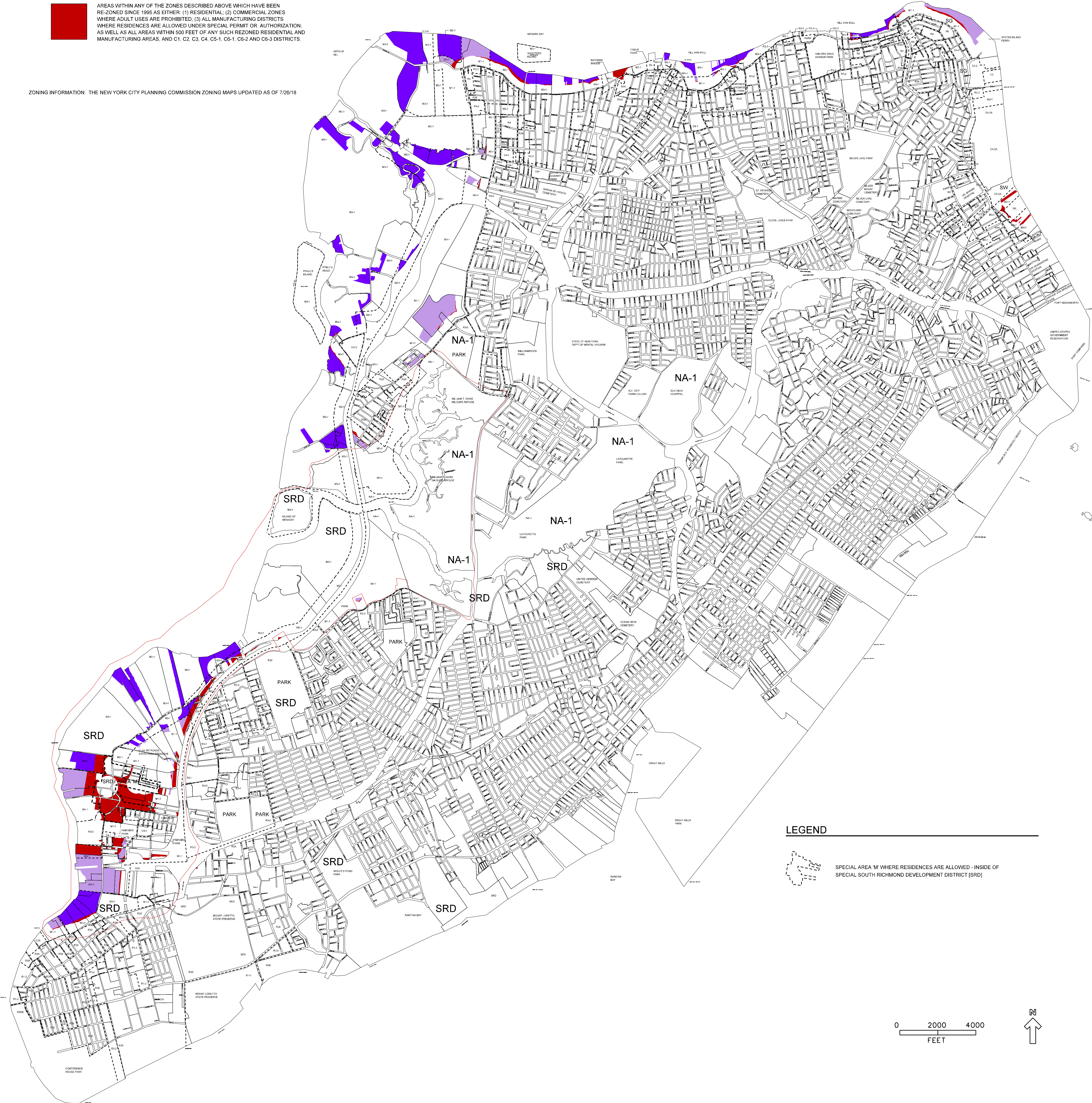
REMAINING AREAS ZONED M1, C7 OR C8 WHERE CITY CONTESTED
THAT ADULT ENTERTAINMENT USES IN 1995 COULD HAVE LOCATED

REMAINING AREAS ZONED M2 OR M3 WHERE CITY CONTESTED
THAT ADULT ENTERTAINMENT USES IN 1995 COULD HAVE LOCATED

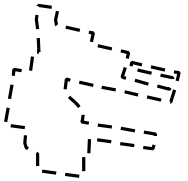
REMAINING AREAS ZONED C6-4, C6-5, C6-6, C6-7, C6-8, C6-9
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AREAS WITHIN ANY OF THE ZONES DESCRIBED ABOVE WHICH HAVE BEEN
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WHERE ADULT USES ARE PROHIBITED; (3) ALL MANUFACTURING DISTRICTS
WHERE RESIDENCES ARE ALLOWED UNDER SPECIAL PERMIT OR AUTHORIZATION;
AS WELL AS ALL AREAS WITHIN 500 FEET OF ANY SUCH REZONED RESIDENTIAL AND
MANUFACTURING AREAS, AND C1, C2, C3, C4, C5-1, C6-1, C6-2 AND C6-3 DISTRICTS.

ZONING INFORMATION: THE NEW YORK CITY PLANNING COMMISSION ZONING MAPS UPDATED AS OF 7/26/18



LEGEND



SPECIAL AREA 'M' WHERE RESIDENCES ARE ALLOWED - INSIDE OF
SPECIAL SOUTH RICHMOND DEVELOPMENT DISTRICT (SRD)